

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

U.S. Application Serial No. 10/091,573

Attorney Docket No. 042846-0312968

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE PATENT
APPLICATION OF: Carl Joseph KRAENZEL *et al.*
SERIAL No.: 10/091,573
ATTORNEY
DOCKET No.: 042846-0312968
FILING DATE: MARCH 7, 2002
ART UNIT : 3629
EXAMINER TAN D. NGUYEN
FOR: SYSTEM AND METHOD FOR IDENTIFYING SYNERGISTIC OPPORTUNITIES
WITHIN AND BETWEEN ORGANIZATIONS

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Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Further to the Notice of Appeal filed on **July 9, 2007**, Appellants respectfully submit Appellants' Brief on Appeal pursuant to 37 C.F.R. § 41.37.

The Director is authorized to charge the \$500.00 fee for filing an Appeal Brief pursuant to 37 C.F.R. § 41.20(b)(2). The Director is further authorized to charge any additional fees that may be due, or credit any overpayment of same to Deposit Account No. 033975 (Ref. No. 042846-0312968).

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REQUIREMENTS OF 37 C.F.R. § 41.37

I. REAL PARTY IN INTEREST - 37 C.F.R. § 41.37(c)(1)(i)

By virtue of the Assignment recorded March 7, 2002 at reel 012678, frame 0160, the real party in interest is International Business Machines Corporation.

II. RELATED APPEALS AND INTERFERENCES - 37 C.F.R. § 41.37(c)(1)(ii)

Appellants are aware of no related appeals or interferences.

III. STATUS OF CLAIMS - 37 C.F.R. § 41.37(c)(1)(iii)

Pending: Claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33 and 37 are pending.

Cancelled: Claims 3, 7, 9-11, 13, 16, 20, 22-24, 28, 32, 34-36 are cancelled.

Rejected: Claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33 and 37 stand rejected.

Allowed: No claims have been allowed.

On Appeal: Claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33 and 37 are appealed.

IV. STATUS OF AMENDMENTS - 37 C.F.R. § 41.37(c)(1)(iv)

No amendments have been filed subsequent to the mailing of the Final Office Action on April 9, 2007 (hereinafter "Final Action").

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V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 C.F.R. § 41.37(c)(1)(v)

A. Overview of the Invention.

Prior to setting forth a showing of specific support for the claimed subject matter, Appellant first provides the following overview of the invention.

Various aspects of the invention relate to computer-implemented methods, systems, and computer program products being embodied in a computer readable media for providing synergistic opportunities for individuals. In some aspects of the invention, entities, such as persons, groups of people, organizational units, or other entities, declare topics with which the entity is interested (e.g., one or more projects that the entity is currently working on). *See, Specification, e.g., pg. 2, lines 4-8; pg. 2, lines 19-22; pg. 4, line 30 – pg. 5, line 9; FIG. 1, element 102 and FIG. 4, element 400.* The declared topics are associated with information related to the topic, which include information such as the name of the topic, a description of the topic, one or more keywords related to the topic, and other relevant information. *See, Specification, e.g., pg. 2, lines 19-22; pg. 5, lines 4-9.* By declaring a topic, the entity is in effect advertising that the entity is willing to collaborate and/or share information with others who share a common interest in the topic. *See, Specification, e.g., pg 5, lines 1-3.*

In some aspects of the invention, the system is operable to monitor the computing activities of a group of people. *See, Specification, e.g., pg. 2, lines 8-10; pg. 2, lines 24-29; pg. 5, line 22 – pg. 6, line 5; FIG. 1, element 104.* The system is also operable to determine those people that appear to be interested in a topic that has been declared. *See, Specification, e.g., pg. 2, lines 8-10; pg. 3, lines 1-6; pg. 6, lines 7-14; and FIG. 1, element 106.* If the system determines that a person appears interested in a declared topic, the system is operable to automatically notify the persons that the topic has been declared.

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The system is also operable to provide the person with information concerning the topic and the entity that declared the topic so that the person can contact the entity to determine if there is a synergistic opportunity that can be exploited. *See*, Specification, *e.g.*, pg. 2, lines 10-15; pg. 6, line 24 – pg. 7, line 1; and FIG. 2, element 204.

The following exemplary citations to the Specification and drawing figures are not exclusive, as other examples of support for the claimed subject matter exist. As such, the following citations should not be viewed as limiting.

1. Independent Claim 1.

One aspect of Appellant's invention relates to a computer-implemented method, comprising the steps of enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic [Specification, *e.g.*, pg. 2, lines 4-8; pg. 2, lines 19-22; pg. 4, line 30 – pg. 5, line 9; FIG. 1, element 102 and FIG. 4, element 400].

One aspect of the invention comprises storing declared topics and their associated information [Specification, *e.g.*, pg. 4, lines 3-4; pg. 4, lines 13-16; pg. 7, lines 10-11; pg. 7, lines 17-21; pg. 8, lines 22-25; and FIG. 3, element 304].

One aspect of the invention comprises monitoring computer activities of a user [Specification, *e.g.*, pg. 2, lines 8-10; pg. 2, lines 24-29; pg. 5, line 22 – pg. 6, line 5; FIG. 1, element 104].

One aspect of the invention comprises determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information [Specification, *e.g.*, pg. 2, lines 8-10; pg. 3, lines 1-6; pg. 6, lines 7-14; and FIG. 1, element 106].

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One aspect of the invention comprises notifying the user of the existence of the declared topic if it appears that the user is interested in the declared topic [Specification, e.g., pg. 2, lines 10-15; pg. 6, line 24 – pg. 7, line 1; and FIG. 2, element 204].

2. Independent Claim 14.

Independent claim 14 includes means plus function recitations. Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellants have identified below non-limiting examples of structure corresponding to each means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

One aspect of Appellant's invention relates to a system comprising means for enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic [Specification, e.g., pg. 2, lines 4-8; pg. 2, lines 19-22; pg. 4, line 30 – pg. 5, line 9; FIG. 1, element 102 and FIG. 4, element 400].

Independent claim 14 recites "means for enabling one or more users to declare, and associate information with, one or more topics." In one implementation, the "means for enabling one or more users to declare" may comprise, for example, a software tool (320) (FIG. 3) that can execute on a computer system (302) or server (304) enabling a user to input data concerning a topic into a database (306) [Specification, e.g., pg. 8, line 22 - pg. 9, line 10; and FIGS. 3 and 4].

Independent claim 14 recites "means for storing declared topics and their associated information." In one implementation, the "means for storing" may comprise, for example, a database (306) in communication with a topic server (302) (FIG. 3) [Specification, e.g., pg. 8, lines 22-24; and FIG. 3].

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Independent claim 14 recites "monitoring means for monitoring computing activities of a user." In one implementation, the "monitoring means" may comprise, for example, a monitor (322) (FIG. 3), which is located on either the computer system (302), a e-mail/instant message/web server (308), or a network node (309) [Specification, *e.g.*, pg. 9, line 29 – pg. 10, line 1; pg. 9, lines 15-27; and FIG. 3].

Independent claim 14 recites "determining means for determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information." In one implementation, the "determining means" may comprise, for example, the monitor (322) (FIG. 3), which is located on either the computer system (302), a e-mail/instant message/web server (308), or a network node (309) [Specification, *e.g.*, pg. 9, line 29 – pg. 10, line 1; pg. 9, lines 15-27; pg. 11, lines 5-9; and FIG. 3].

Independent claim 14 recites "notifying means for notifying the user of the existence of the declared topic if it appears that the user is interested in the declared topic." In one implementation, the "notifying means" may comprise, for example, a pop-up window (500) (FIG. 5) [Specification, *e.g.*, pg. 11, lines 15-21; and FIG. 5].

3. Independent Claim 26.

One aspect of Appellant's invention relates to a computer program product, the computer program product being embodied in a computer readable medium and comprising computer instructions for enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic [Specification, *e.g.*, pg. 2, lines 4-8; pg. 2, lines 19-22; pg. 4, line 30 – pg. 5, line 9; FIG. 1, element 102 and FIG. 4, element 400].

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One aspect of the invention comprises storing declared topics and their associated information [Specification, *e.g.*, pg. 4, lines 3-4; pg. 4, lines 13-16; pg. 7, lines 10-11; pg. 7, lines 17-21; pg. 8, lines 22-25; and FIG. 3, element 304].

One aspect of the invention comprises monitoring computer activities of a user [Specification, *e.g.*, pg. 2, lines 8-10; pg. 2, lines 24-29; pg. 5, line 22 – pg. 6, line 5; FIG. 1, element 104].

One aspect of the invention comprises determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information [Specification, *e.g.*, pg. 2, lines 8-10; pg. 3, lines 1-6; pg. 6, lines 7-14; and FIG. 1, element 106].

One aspect of the invention comprises notifying the user of the existence of the declared topic if it appears that the user is interested in the declared topic [Specification, *e.g.*, pg. 2, lines 10-15; pg. 6, line 24 – pg. 7, line 1; and FIG. 2, element 204].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - 37 C.F.R. § 41.37(c)(1)(vi)

Claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33 and 37 stand rejected under 35 U.S.C. §103(a) , as allegedly being unpatentable over U.S. Patent No. 5,960,173 to Tang *et al.* (hereinafter “Tang”) [Final Office Action, page 3, §4, dated April 9, 2007].

VII. ARGUMENTS - 37 C.F.R. § 41.37(c)(1)(vii)

A. Overview of Arguments.

The rejection under 35 U.S.C. §103(a) is legally deficient and should be reversed because: (1) the Examiner has failed to provide any viable, rational underpinning to support the articulated reason for modifying Tang; and (2) assuming arguendo that the

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proposed modification of Tang was deemed legally proper, Tang still fails to disclose, teach, or render obvious all of the claim elements. In particular, the cited portions of Tang do not teach or suggest *at least* enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic; storing declared topics and their associated information; and determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information.

B. Detailed Arguments

The prior art rejections are improper and should be reversed because the Examiner has not presented a *prima facie* case of obviousness with respect to the rejected claims. The cited portions of Tang do not disclose, either expressly or inherently, teach or render obvious the entire claimed combination of elements. Accordingly, Appellants respectfully request that the rejections set forth by the Examiner be reversed.

It is well established that “the examiner bears the initial burden, on review of the prior art or an any other ground, of presenting a *prima facie* case of unpatentability. If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992) (discussing *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). In the Office Action, the Examiner has attempted and failed to meet the requisite burden of establishing a *prima facie* case of obviousness.

Obviousness is a question of law based on the following underlying factual inquiries: “(a) the scope and content of the prior art; (b) the differences between the prior art and the claims at issue; (c) the level of ordinary skill in the art; and (d) objective

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evidence of nonobviousness." *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 958, 1 U.S.P.Q.2d 1196, 1197 (Fed. Cir. 1986) (citing *Graham v. John Deere Co.*, 383 U.S. 1 (1966)). "Against this background, the obviousness or nonobviousness of the subject matter is determined." *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966).

Moreover, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985, 180 U.S.P.Q. (BNA) 580 (C.C.P.A. 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. (BNA) 494, 496 (C.C.P.A. 1970).

As a corollary to this requirement, the Federal Circuit has specifically held that the mere fact that *the prior art could be modified* as proposed by the Examiner *is not sufficient* to establish a *prima facie* case of obviousness. (See, *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (*emphasis added*). Rather, the Examiner *must explain why the prior art would have suggested* to one of ordinary skill in the art *the desirability of the modification*. (See *Fritch*, 972 F.2d at 1266, 23 USPQ2d at 1783-84) (*emphasis added*).

Furthermore, as stated in the recent United States Supreme Court decision in *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007), "Often, it will be necessary for a court to look to interrelated teachings of multiple patents...in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be explicit." *Id.* at slip opinion 14, 82 USPQ2d at 1396, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated

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reasoning with some rational underpinning to support the legal conclusion of obviousness"). As will be evident by the following discussion, Appellants respectfully submit that a *prima facie* case of obviousness has not been established.

The Examiner has admitted that Tang does not teach the recited associated information (for a declared topic), which comprises at least one of a topic description or one or more keywords relating to the topic. [Final Office Action, page 5].

By way of review, Tang appears to teach a mechanism that enables workers using their computers to know which other workers are "nearby" in terms of the type of work they are doing, such as the data they are accessing, the application they are using, and the time when such work was performed [Tang, col. 3, lines 24-29]. The mechanism is embodied within a computer network including computers running encounter-aware applications and corresponding encounter proxy objects that provide a communication mechanism to an networked encounter server [Id., col. 13, lines 29-32]. The encounter server maintains a list of the encounter-aware applications on the computers within the computer network and receives information about each application from its encounter proxy. The server further maintains information identifying which application is currently active for the user [Id., col. 13, lines 61-67]. The encounter server receives and stores status messages from the encounter proxy objects, wherein the status messages identifies at least the application and the user's position within the application [Id., col. 14, lines 3-10]. The encounter server receives status messages and compares the received message with stored status messages and, based on a comparison, determines whether user's are task proximate [Id., col. 14, lines 18-35].

The Examiner particularly relies upon column 14, lines 5-25 of Tang to teach the aspect of matching criteria. This section of Tang states

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The encounter server 141 receives the status messages from the encounter proxy objects 135 on its computer 101, and from other encounter servers 141, and stores these status messages 147. The status messages from the encounter proxy objects 135 identify the application 131, the user's position in the application 131, and the user's handle and position, and a handle to the match object 133 contained in the application 131, if any. In the preferred embodiment, when the encounter server 141 receives a status message from an encounter proxy object 135, it adds a timestamp to it. The timestamp is useful for ordering the appearance of icons 22 in the encounter window 143, and determining task proximity. The encounter server 141 then sends the status message to all other encounter servers 141 on the network 123.

When the encounter server 141 receives a status message, it compares the received message with stored status messages 147 and identifies status messages that include the same application type or application name, or other matching criteria, and sends the position data included in such status messages to a match object 133 for determining whether the users specified in the status messages are task proximate according to their positions. The encounter server 141 preferably invokes the match object 133 of the currently active application 131.

In other words, the cited portions of Tang describe the process by which an encounter server (141) receives and compares a status message with a stored status message (147). This comparison is based on application type, application name, or other matching criteria. The encounter server (141) then sends position data, included in the status message, to a match object (133). This position data is based on criteria including an application that a worker is currently using, data the worker is accessing or manipulating, and the time at which such actions occur. *See*, column 3, lines 24-30 of Tang. The match object (133) is included in an encounter-aware application (131) that resides on a user's computer. The match object (133) determines whether the users specified in the status message are task proximate according to the position data.

The Examiner alleged that it would have been obvious to modify Tang to overcome this admitted deficiency, apparently because Tang allegedly teaches using

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matching criteria (e.g., same application type or name) to compare received status messages to stored status messages. The Examiner's allegation is incorrect.

First, the Examiner has not cited any objective evidence of a motivation or suggestion to modify Tang. The Examiner has merely stated that "it would have been obvious to a skilled artisan to modify the teachings (matching criteria) to include well known parameters for searching and matching such a topic description or keywords relating to the topics as mere using other similar terms." *See* Final Office Action dated April 9, 2007 at page 5, lines 14-17. This is not objective evidence for a motivation or suggestion to modify Tang.

Moreover, as discussed above, Tang determines task proximity based on the position data that is based on criteria including an application that a worker is currently using, data the worker is accessing or manipulating, and the time at which such actions occur. Thus, the modification of Tang as alleged by the Examiner to include the aspects of keywords or topics with Tang's matching criteria would not have been obvious to one of ordinary skill in the art because the position data and not the matching criteria, as alleged by the Examiner, is used to determine task proximity. Therefore, this alleged modification would not have lead to the claimed invention.

Regardless, assuming arguendo that Tang could be modified in the manner alleged by the Examiner, the rejection would still be improper as Tang (even as improperly modified) fails to disclose, teach, or suggest all of the features of independent claims 1, 14, and 26.

1. Tang fails to teach or suggest enabling one or more users to declare, and associate information with, one or more topics.

Independent claims 1, 14, and 26 each recite, *inter alia*, the features of:

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...enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;

From the discussion above, it appears as though Tang does not teach or suggest enabling one or more users to declare, and associate information with, one or more topics. Moreover, Tang does not appear to rely on any overt actions by a user to find others with similar interests, as disclosed and claimed by Applicants. Rather, Tang appears to rely on the use of encounter-aware applications and encounter proxy objects to monitor activities on a computer and communicate with an encounter server. Based on information received and stored on the encounter server, task proximity is determined.

In the Final Action, at pg. 5, the Examiner relied on col. 14, lines 5-25 of Tang, which is quoted above, as allegedly teaching the foregoing feature. Nothing in the cited passage, however, appears to teach or suggest that users affirmatively declare, and associate information with, one or more topics. For *at least* this reason, the rejection is improper and should be reversed.

2. Tang fails to teach or suggest storing declared topics and their associated information and determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information

Independent claims 1, 14, and 26 further recite the features of:

...storing declared topics and their associated information;

...
...determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information;

Tang does not teach or suggest these features. As discussed above, Tang does not teach or suggest enabling one or more users to declare, and associate information with, one

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or more topics. Accordingly, Tang necessarily fails to teach the claim features of storing declared topics and their associated information, and determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information. For *at least* these reasons, the rejection is improper and should be reversed.

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VIII. CLAIMS APPENDIX - 37 C.F.R. § 41.37(c)(1)(viii)

The pending claims (claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33 and 37) are attached in **APPENDIX A**.

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IX. EVIDENCE APPENDIX - 37 C.F.R. § 41.37(c)(1)(ix)

APPENDIX B: None.

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X. RELATED PROCEEDINGS INDEX - 37 C.F.R. § 41.37(c)(1)(x)

APPENDIX C: None.

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CONCLUSION

For at least the foregoing reasons, Appellants request that the rejection of claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33 and 37 under 35 U.S.C. §103(a) be reversed.

Date: September 13, 2007

Respectfully submitted,

By:

Christopher M. Tucker

Christopher M. Tucker
Registration No. 48783

PILLSBURY WINTHROP SHAW PITTMAN LLP

P.O. Box 10500

McLean, Virginia 22102

Direct Dial: 703-770-7646

Main: 703-770-7900

Fax: 703-770-7901

APPENDIX A: CLAIMS APPENDIX

1. *(Previously Presented)* A computer-implemented method, comprising the steps of:
 - enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;
 - storing declared topics and their associated information;
 - monitoring computing activities of a user;
 - determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information; and
 - notifying the user of the existence of the declared topic if it appears that the user is interested in the declared topic.
2. *(Previously Presented)* The method of claim 1, wherein the step of monitoring the computing activities of the user comprises the step of monitoring one or more e-mail messages sent to and/or from the user.
3. *(Cancelled)*
4. *(Original)* The method of claim 2, wherein the step of monitoring one or more e-mail messages sent to and/or from the user comprises the step of retrieving from an e-mail server one or more e-mail messages addressed to the user and/or sent by the user and examining the contents of those e-mail messages.

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5. **(Previously Presented)** The method of claim 1, wherein the step of monitoring the computing activities of the user comprises the step of examining one or more instant messages sent to and/or from the user.

6. **(Previously Presented)** The method of claim 1, wherein the step of monitoring the computing activities of the user comprises the step of monitoring one or more search request messages sent from the user.

7. **(Cancelled)**

8. **(Previously Presented)** The method of claim 1, further comprising the steps of: determining whether the user desires to receive information about the declared topic after notifying the user of the existence of the declared topic.

9-11. **(Cancelled)**

12. **(Previously Presented)** The method of claim 1, further comprising the steps of: determining whether the user selected to be added to a group e-mail address and/or virtual team associated with the declared topic; adding the user to the group e-mail address if it is determined that the user selected to be added to the group e-mail address; and adding the user to the virtual team if it is determined that the user selected to be added to the virtual team.

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13. *(Cancelled)*

14. *(Previously Presented)* A system, comprising:

means for enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;

means for storing declared topics and their associated information;

monitoring means for monitoring computing activities of a user;

determining means for determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information; and

notifying means for notifying the user of the existence of the declared topic if it appears that the user is interested in the declared topic.

15. *(Original)* The system of claim 14, wherein the monitoring means comprises means for monitoring one or more e-mail messages sent to and/or from the user.

16. *(Cancelled)*

17. *(Original)* The system of claim 15, wherein the means for monitoring one or more e-mail messages sent to and/or from the user comprises means for retrieving from an e-mail server one or more e-mail messages addressed to the user and/or sent by the user and for examining the contents of those e-mail messages.

18. (*Original*) The system of claim 14, wherein the monitoring means comprises means for examining one or more instant messages sent to and/or from the user.

19. (*Original*) The system of claim 14, wherein the monitoring means comprises means for monitoring one or more search request messages sent from the user.

20. (*Cancelled*)

21. (*Previously Presented*) The system of claim 14, further comprising: determining means for determining whether the user desires to receive information about the declared topic after notifying the user of the existence of the declared topic.

22-24. (*Cancelled*)

25. (*Previously Presented*) The system of claim 14, further comprising the steps of: determining means for determining whether the user selected to be added to a group e-mail address and/or virtual team associated with the declared topic; means for adding the user to the group e-mail address if it is determined that the user selected to be added to the group e-mail address; and means for adding the user to the virtual team if it is determined that the user selected to be added to the virtual team.

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26. (*Previously Presented*) A computer program product, the computer program product being embodied in a computer readable medium and comprising computer instructions for: enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic; storing declared topics and their associated information; monitoring computing activities of a user; determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information; and notifying the user of the existence of the declared topic if it appears that the user is interested in the declared topic.

27. (*Previously Presented*) The computer program product of claim 26, wherein the instructions for monitoring the computing activities of the user comprises instructions for monitoring one or more e-mail messages sent to and/or from the user.

28. (*Cancelled*)

29. (*Original*) The computer program product of claim 27, wherein instructions for monitoring one or more e-mail messages sent to and/or from the user comprises instructions for retrieving from an e-mail server one or more e-mail messages addressed to the user and/or sent by the user and examining the contents of those e-mail messages.

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30. (*Previously Presented*) The computer program product of claim 26, wherein instructions for monitoring the computing activities of the user comprises instructions for examining one or more instant messages sent to and/or from the user.

31. (*Previously Presented*) The computer program product of claim 26, wherein instructions for monitoring the computing activities of the user comprises instructions for monitoring one or more search request messages sent from the user.

32. (*Cancelled*)

33. (*Previously Presented*) The computer program product of claim 26, further comprising instructions for:

determining whether the user desires to receive information about the declared topic after notifying the user of the existence of the declared topic.

34-36. (*Cancelled*)

37. (*Previously Presented*) The computer program product of claim 26, further comprising instructions for:

determining whether the user selected to be added to a group e-mail address and/or virtual team associated with the declared topic;

adding the user to the group e-mail address if it is determined that the user selected to be added to the group e-mail address; and

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adding the user to the virtual team if it is determined that the user selected to be added to the virtual team.

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APPENDIX B

EVIDENCE APPENDIX - 37 C.F.R. § 41.37(c)(1)(ix)

NONE.

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APPENDIX C

RELATED PROCEEDINGS INDEX - 37 C.F.R. § 41.37(c)(1)(x)

NONE.